

<b>Notice of Allowability</b>	<b>Application No.</b> 10/064,416	<b>Applicant(s)</b> TOPOLSKI, THOMAS G.	
	<b>Examiner</b> Kurt Fernstrom	<b>Art Unit</b> 3712	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment entered on February 5, 2004.
2. ☒ The allowed claim(s) is/are 1,7,9-16,18,22 and 24-30.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☒ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☒ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Frederick Burkhardt on February 25, 2004.

The application has been amended as follows:

In claim 1, lines 3-4, the claim language "said forearm paddle including a fin configured to convert generally forward motion into a generally downward force thereby promoting a downward motion of the hand and forearm" has been deleted.

In claim 1, line 10, the claim language --extending between the stabilizer grip and the forearm portion and-- has been inserted between "includes a throat" and "having a resistance".

In claim 1, line 11, the claim language --, said forearm paddle including a fin extending forwardly at an angle away from the forearm portion and configured to convert generally forward motion into a generally downward force thereby promoting a downward motion of the hand and forearm-- has been inserted after "pressure to the forearm".

In claim 16, lines 3-4, the claim language "said forearm paddle including a fin configured to convert generally forward motion into a generally downward force thereby promoting a downward motion of the hand and forearm" has been deleted.

In claim 16, line 10, the claim language --extending between the stabilizer grip and the forearm portion and-- has been inserted between "includes a throat" and "having a resistance".

In claim 16, line 11, the claim language --, said forearm paddle including a fin extending forwardly at an angle away from the forearm portion and configured to convert generally forward motion into a generally downward force thereby promoting a downward motion of the hand and forearm-- has been inserted after "pressure to the forearm".

On page 5, line 1 of the specification, -- extends between the stabilizer grip and the forearm portion and— has been inserted before "creates resistance and a feel of pressure".

On page 5, line 1 of the specification, -- extends forwardly at an angle away from the forearm portion and— has been inserted between "fin 34" and "is".

The following is an examiner's statement of reasons for allowance: The prior art fails to disclose or suggest all of the limitations of the claims. The amendments to the claim, both those filed by applicant on February 5, 2004 and those included herein, recite additional structural limitations to the claimed invention which overcome the prior art. In particular, the throat as claimed is not disclosed or suggested by Hamblin or the other prior art, and the limitations added to the fin overcome the Salloway reference.

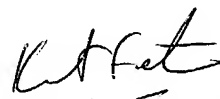
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kurt Fernstrom whose telephone number is (703) 305-0303. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (703) 308-1745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KF  
February 25, 2004

  
Kurt Fernstrom